

Case 7:14-cv-00635-JPJ-RSB Document 7 Filed 01/12/15 Page 1 of 2 Pageid#: 17

The only entity that Dalton names as a defendant is the jail itself. The jail, however, is not a “person” subject to suit under § 1983. *McCoy v. Chesapeake Corr. Ctr.*, 788 F. Supp. 890, 893-94 (E.D. Va. 1992) (finding jail immune from suit and not a person for purposes of § 1983). Therefore, I will summarily dismiss this action without prejudice, pursuant to § 1915A(b)(1), as legally frivolous.<sup>1</sup>

A separate Final Order will be entered herewith.

DATED: January 12, 2015

/s/ James P. Jones  
United States District Judge

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<sup>1</sup> Even assuming that the plaintiff could prove that a particular jail official negligently delivered his items to another inmate, mere negligence by state officials does not support a claim of constitutional significance, as required to proceed under § 1983. *See, e.g., Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 849 (1998) (“[T]he Constitution does not guarantee due care on the part of state officials; liability for negligently inflicted harm is categorically beneath the threshold” of constitutional protections). Accordingly, the present action is frivolous on its merits.